

MT LEGISLATIVE HISTORY

Chapter 162 19 77

Bill (H) 222 S _____

Original bill & hist. ✓ C

H. Committee on Public Health

S. Committee on Public Health, Welfare & Safety

Hearing Date(s) JAN 27 ✓ C

Hearing Date(s) MAR 10 ✓ C

FEB 1 ✓ C

MAR 15 ✓ C

_____ C

_____ C

_____ C

_____ C

Date Out _____ C

MAR 15 ✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

1 H BILL NO. 227
2 INTRODUCED BY Kutler, by request
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 69-4420, R.C.M. 1947, RELATING TO THE PROCEDURE FOR ISSUANCE
6 OF SUBSTITUTE BIRTH CERTIFICATES BY THE DEPARTMENT OF HEALTH
7 AND ENVIRONMENTAL SCIENCES."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 69-4420, R.C.M. 1947, is amended to
11 read as follows:

12 *69-4420. Substitute birth certificate -- procedure
13 for issuance. The procedure for issuing a substitute birth
14 certificate for a person born in Montana and adopted is as
15 follows:

16 (1) Before the sixteenth 16th day of the month
17 following the order of adoption, the clerk of the district
18 court shall forward a certified copy of the final order of
19 adoption to the department; or the department may accept a
20 certified copy of a final order of adoption from a court of
21 competent jurisdiction of a foreign state of the United
22 States or a tribal court of competent jurisdiction.

23 (2) The department shall prepare a substitute
24 certificate containing:

25 (a) ~~The the~~ new name of the adopted person;

1 (b) ~~The~~ the true date and place of birth and sex of
2 the adopted person;

3 (c) ~~Statistical~~ statistical facts concerning the
4 adoptive parents in place of the natural parents;

5 (d) The the words "department of health and
6 environmental sciences" substituted for the words
7 "attendant's own signature"; and

8 (e) ~~Notes~~ dates of recording as shown on the original
9 birth certificate."

-End-

HB227

PUBLIC HEALTH WELFARE & COMMITTEE
SAFETY
45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 227	RELATING TO THE PROCEDURE FOR ISSUANCE OF SUBSTITUTE BIRTH CERTIFICATES BY THE DEPT. OF HEALTH.	1/18/77	Kimble, by request	1/27/77	DO PASS	2/1/77
HB 236	RE: DEPT. OF HEALTH; LAB FEE ASSESSMENTS, AUTHORIZING DEPT. TO BRING ACTION UPON VIOLATION OF PUB. HEALTH LAWS, RULES OR ORDERS.	1/19/77	Harper, by request Health Dept.	2/1/77	DO PASS	2/1/77
HB 255	REQUIRING STATE BUILDING CODE TO SET STANDARDS ASSURING ACCESSIBILITY BY HANDICAPPED & ELDERLY..	1/19/77	Cooney, Palmer, et al	HEARD BY PROBLEMS OF THE ELDERLY SUBCOMM.	TABLED 2/22/77	
HB 257	PROVIDING FOR LICENSURE OF SOCIAL WORKERS..	1/19/77	Dussault, Ellis, et al	1/27/77	Subcomm. 2/1/77 DO NOT PASS	2/10/77
SB 29	REVISING & CLARIFYING LAWS RELATING TO HEALTH & SAFETY	1/19/77	Sen. Blaylock	2/8/77	BE CONCURRED IN	2/15/77
HB 285	TO GENERALLY REVISE THE CLEAN AIR ACT OF MONTANA	1/20/77	Harper	2/3/77	DO NOT PASS AS AMENDED	2/8/77

January 27, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Thursday, January 27, 1977 at 3:30 P.M. in room 431 of the State Capitol. All members were present, with the exception of Representative Colburn, who was excused.

The first bill to be heard was HOUSE BILL 227. Representative Kimble was the sponsor. He explained that HOUSE BILL 227 would allow people adopted out of state or on a reservation to be issued substitute birth certificates. The original legislation only allowed issuance of substitute birth certificates for people being adopted within Montana. Mr. John Wilson, Records & Statistics Bureau of the Department of Health, was present to answer any questions. There were no further proponents. There were no opponents. Questions followed.

HOUSE BILL 221 was then taken up. Chairman Menahan, chief sponsor of this bill, turned the testimony over to Ken Hoovestall, Montana Snowmobile Association. This bill doesn't attempt to raise or lower the allowable noise level of snowmobiles; it only strives to retain the present level. See prepared statement. The next proponent to speak was Mr. Everett Woodgerd, representing the Missoula Snowmobile Dealers and the Missoula Snogoers and the Seeley Lake Drift Riders. He has consulted with several dealers and they are in agreement that the manufacturers will not be able to meet these requirements. There were no other proponents.

There were no opponents to HOUSE BILL 221. Questions were asked. It was pointed out by Mr. Hoovestall that 73 decibels is half as loud as 78 decibels. He passed out a sheet which compared noise levels of various items. It was also pointed out that the original bill pertaining to noise levels had been introduced by the snowmobile dealers themselves, and they have now found that the standards they proposed setting have been unable to meet. Mr. Don Malmberg, Fish and Game Department, explained the testing procedures which that department had used on snowmobiles.

The hearing was then opened on HOUSE BILL 257. Representative Dussault as Chief Sponsor proposed to let the social workers speak for themselves and turned the testimony over to them, reserving her comments for closing. The first proponent to speak was Mr. Barry York, who had helped to draft the bill. He offered to help answer any technical questions the committee might have. The next proponent was Ms. Suzanne Tiddy, President of the Montana Chapter of the National Association of Social Workers; see prepared statement. The following proponent was Janet Kovalchik, West-Mont Home Health Care, Inc., who presented a written statement both for herself and for Sister Elizabeth Henry, a registered nurse and the administrator of West-Mont Home Health Care, Inc. The next proponent was Jean Adams,

February 1, 1977

needed to be amended. Discussion followed. Representative Palmer announced that another bill similar to this one was to be introduced the following day, and that the committee should possibly hear it before they acted on this bill. Representative Kenny moved to pass consideration of HB 114 for the day. Motion carried.

HOUSE BILL 227. Representative Harper moved it DO PASS; Representative Holmes seconded the motion. Motion carried unanimously.

It was moved that HOUSE BILL 221 DO PASS by Representative Lynch. Motion carried unanimously.

Action was deferred on HOUSE BILL 184 at the request of the subcommittee assigned to consider it.

The meeting was adjourned.

Wm. "Red" Menahan
Chairman-Rep. Wm. "Red" Menahan

Secretary

45th

LEGISLATIVE SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

HOUSE BILL NO.	ENTERED COMM. 1977	DATE CONSIDERED 1977	OUT OF COMM. 1977	DO NOT DATE 1977	DO NOT PASS DATE 1977	DO PASS AS AMEND. DATE 1977	BE CON- CURRED IN DATE 1977	BE CONC. IN AS AMENDED DATE 1977	BE NOT CON- CURRED IN DATE 1977
30	Feb. 2	Feb. 24	Feb. 24				Feb. 24		
173	Jan. 29	Mar. 3	Mar. 3				Mar. 3		
174	(Mar. 9 (Feb. 11	Mar. 3	Mar. 10 Mar. 5			(Be Concurred In-3/5)	(Mar. 10--WITHOUT RECOMMENDATION) AMENDED		
176	Feb. 2	Mar. 5	Mar. 8				Mar. 8		
184	Feb. 17	Mar. 8	Mar. 8				Mar. 8		
219	Feb. 8 Mar. 10	Mar. 8	Mar. 8				Mar. 8 (AMENDED) Mar. 15		
227	Feb. 8	Mar. 10	Mar. 15				Mar. 15		
236	Feb. 8	Mar. 10	Mar. 17				Mar. 17 (AMENDED)		
✓ 286	Mar. 2	Mar. 29	Mar. 31				Mar. 31--WITHOUT RECOMMENDATION AMENDED		
✓ 294 298	April 6 Feb. 16	Mar. 10	Apr. 6 Mar. 28	(to Local Govt.)			Mar. 28--WITHOUT RECOMMENDATION AMENDED		
✓ 300	Mar. 5	Mar. 19	Mar. 19				Mar. 19		
307	Mar. 2	Mar. 22	Mar. 22				Mar. 22		
318	Feb. 17	Mar. 22	Mar. 22				Mar. 28		
✓ 330 338	Feb. 10 Mar. 21	Mar. 12 Mar. 26	Mar. 17 Mar. 28				Mar. 17 (AMENDED) Mar. 28		
✓ 360	Mar. 2	Mar. 19	Mar. 25				Mar. 25 (AMENDED)		
408	Feb. 17	Mar. 17	Mar. 17				Mar. 17		

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 10, 1977

The twenty-fourth meeting of the Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building by Chairman Stan Stephens on Thursday, March 10, at approximately 11:00 A.M.

ROLL CALL: All members were present with the exception of Senator Lee, who was excused on State business.

CONSIDERATION OF HOUSE BILL 227: Chairman Stephens turned the meeting over to Representative Kimble who introduced his bill and explained its purpose. According to the Representative, this bill amends a current law dealing with procedures for issuance of substitute birth certificates by the Department of Health and Environmental Sciences - procedures are already being used so this legislation would simply confirm that usage. (See Exhibit "A".)

Russell LaVigne of the Montana Legal Services Association, testified in support of the bill, following the sponsor. Mr. LaVigne said, from a practical point, what this legislation will do is allow the birth certificate, where necessary, to be amended to reflect the names of the new parents and to seal the old birth records. Concerning the problems with Indian reservations and the state district court's jurisdiction, LaVigne said this has already been established that the state district court does not have any jurisdiction on the reservations so this bill would bring the state into compliance of that position - the State is obliged to recognize tribal court adoptions. Mr. LaVigne said this bill will make it possible for the State to avoid a lawsuit over this issue.

That ended the witnesses for HB227. Questions followed.

Questions ranged from Hims1's questioning of the choice of words in Section 1, line 21, relating to "foreign" (meaning "other") to Senator Watt's concern regarding the sealing of the old birth certificates.

Hearing on HB227 concluded, with NO ACTION being taken.

EXHIBIT "A"

SUBSTITUTE BIRTH CERTIFICATES

HB 227 AMENDS SECTION 67-4420, R.C.M. 1947 THAT DEALS WITH PROCEDURES FOR ISSUANCE OF SUBSTITUTE BIRTH CERTIFICATES BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES.

ADDED TO SECTION 1, ITEM 1 IS A PROVISION TO ALLOW PEOPLE ADOPTED OUT OF STATE OR ON A RESERVATION TO BE ISSUED SUBSTITUTE BIRTH CERTIFICATES.

THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES BUREAU OF RECORDS AND STATISTICS NOW PROCESSES SUBSTITUTE BIRTH CERTIFICATES BASED ON COURT ORDERS FROM COURTS IN OTHER STATES. SIMILARLY OTHER STATES RECOGNIZE COURT ORDERS FROM MONTANA DISTRICT COURTS. THIS BILL WOULD NOT CHANGE THAT, IN FACT IT AFFIRMS AND CLARIFIES THAT PROCEDURE.

WHAT THIS BILL DOES DO IS AUTHORIZE THE BUREAU OF RECORDS AND STATISTICS TO RECOGNIZE ADOPTION DECREES ISSUED BY TRIBAL COURTS.

AN OPINION BY THE DEPARTMENT'S LEGAL DIVISION PREPARED ON DECEMBER 2, 1976 CONCURS WITH THE INTENT OF THIS BILL. ACCORDING TO THE DEPARTMENT'S LEGAL OPINION, THE COURTS HAVE RECOGNIZED THE JURISDICTION OF TRIBAL COURTS TO RENDER SUCH DECREES AND THEREFORE THE STATE IS OBLIGATED TO EXTEND RECOGNITION TO SUCH TRIBAL COURT DECREES.

HB 227 ALLOWS THE BUREAU OF RECORDS AND STATISTICS TO PROCESS SUBSTITUTE BIRTH CERTIFICATES BASED ON COURT ORDERS FROM THE TRIBAL COURTS.

[illegible]

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: 3-10

[illegible]

March 15, 1977

CONSIDERATION OF HOUSE JOINT RESOLUTION 73: Representative Menahan explained this Joint Resolution to the Committee by saying there is an existing law covering theater owners, however the House Public Health Committee put this Resolution in to urge the county attorneys to check out complaints on theaters and to follow through with arrests or whatever is necessary.

Representative Eudaily said this Resolution is a companion bill with HB805 and the two together should do the job.

Gladys M. Vance again testified, and as for House Bill 805, she supports HJR73.

William L. Romine testified in support of this Resolution.

Questions from the Committee established that the sponsor really needs both HB805 and HJR73 passed together to get the issue resolved; there would not be anything in the law on violent previews if this legislation is not passed; the green trailers have been edited and are generally cleaner than the red.

Hearing was concluded on HOUSE JOINT RESOLUTION, with NO ACTION being taken at this time.

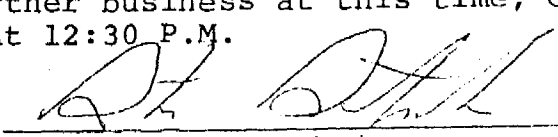
ACTION ON HOUSE BILL 219: This bill was re-referred to the Senate Public Health Committee by a floor motion on the part of Senator Olson. Senator Olson told the Committee he changed his mind and did not wish to re-consider the bill - the Committee then passed it out by a 4 to 3 vote (Senator Roberts abstained) following Senaor Lee's motion that HB219 BE CONCURRED IN. (Senator Lee will carry on the Senate floor.)

ACTION ON HOUSE BILL 227: Senator Roberts moved HB227 BE CONCURRED IN -- the vote was unanimous.

CONSIDERATION OF HOUSE BILL 236: After a lengthy discussion and an amendment (See Exhibit "D") the Committee Secretary was asked to invite witnesses Sloullin and Lackman back to the Committee Thursday. The Committee will re-consider this bill for the third time Thursday.

CONSIDERATION OF HOUSE BILL 330: Senator Watt moved the amendment proposed by Mr. Melby (Department of Social and Rehabilitation Services) - motion carried on a voice vote. Further discussion disclosed what the Committee thought was a discrepancy in the bill and the testimony. In order to clear the matter up, Committee Secretary Allen was instructed to ask Mr. Melby back for Thursday's Committee meeting. The Committee will act on this bill at that time.

ADJOURNMENT: With no further business at this time, Chairman Stephens adjourned the meeting at 12:30 P.M.



ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE:

3/15

[illegible]

STANDING COMMITTEE REPORT

MARCH 15

19 77

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE Bill No. 227

Respectfully report as follows: That HOUSE Bill No. 227

third reading bill

BE CONCURRED IN

~~DO PASS~~

B. A.

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977

Date 3-15 Bill No. 237 Time

NAME S:	YES	NO
LEE, Robert	/	LEE
RASMUSSEN, Tom	/	RASMUS
OLSON, Stuart	/	OLSON
HIMSL, Matt	/	HIMSL
WATT, Robert	/	WATT
ROBERTS, Joe	/	ROBERTS
NORMAN, Bill - V. Chm.	/	NORMAN
STEPHENS, Stan - Chairman	/	STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion:

Sen. Roberts
moved he concurred in

(include enough information on motion put with yellow copy of
committee report)

HOUSE BILL NO. 227
INTRODUCED BY KIMBLE
BY REQUEST

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
69-4420, R.C.M. 1947, RELATING TO THE PROCEDURE FOR ISSUANCE
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certified copy of a final order of adoption from a court of
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- (b) The ~~the~~ true date and place of birth and sex of
the adopted person;
- (c) ~~Statistical~~ statistical facts concerning the
adoptive parents in place of the natural parents;
- (d) The ~~the~~ words "department of health and
environmental sciences" substituted for the words
"attendant's own signature"; and
- (e) ~~Dates~~ dates of recording as shown on the original
birth certificate."

-End-

REFERENCE BILL